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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/571,180	11/09/2006	Masato Kataoka	2006-0348A	9623
513 7590 01/16/2009 WENDEROTH, LIND & PONACK, L.L.P. 2033 K STREET N. W. SUITE 800 WASHINGTON, DC 20006-1021			EXAMINER ANWAR, MOHAMMAD S	
			ART UNIT 2416	PAPER NUMBER
			MAIL DATE 01/16/2009	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

### Office Action Summary

**Application No.**

10/571,180

**Applicant(s)**

KATAOKA, MASATO

**Examiner**

MOHAMMAD ANWAR

**Art Unit**

2416

**Period for Reply** -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 09 November 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 9-14 is/are rejected.
- 7) ☒ Claim(s) 1-8 and 15-20 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 3/9/06 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB-08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Drawings***

1. The drawings are objected to because Figures 2 and 3 should be labeled with proper descriptive legends such as item 11 as transmission pulse output unit, item 17 as detection unit. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

### ***Claim Objections***

2. Claims 1, 3, 9, 11-14 are objected to because of the following informalities:

In claim1 lines 7, 9, 11 and 13 recites "the received signals" which lacks antecedent basis

In claim 1 lines 9 and16 recites "a signal pattern" which seems to refer to "a signal pattern" in claim 1 line 9. If this is true, it is suggested to change "a signal pattern" to ---the signal pattern---. Similar problem exists in claim 9 line 8 and claim 11 line 6.

In claim 1 lines 8, 10, 11 and 16 recites "a transmitting signal" which seems to refer to "a transmitting signal" in claim 1 lines 5 and 6. If this true, it is suggested to change "a transmitting signal" to ---the transmitting signal---. Similar problem exists in claim 9 line 8 and claim 11 line 6.

In claim 1 lines 22-23 recites "a last signal pattern" which seems to refer to "a last signal pattern" in claim 1 line 11. If this is true, it is suggested to change "a last signal pattern" to ---the last signal pattern---.

In claim 3 line 8 recites "the sequential transmission timing pulse" which lacks antecedent basis.

In claim 12 lines 1 and 2 recites "a transmission path" which seems to refer to "a transmission path in claim11 lines 1 and 2. If this is true, it is suggested to change "a transmission path" to ---the transmission path---. Similar problem exists in claim 13 lines 2 and 3 and claim 14 lines 2.

Appropriate correction is required.

***Claim Rejections - 35 USC § 112***

3. The following is a quotation of the first paragraph of 35 U.S.C. 112:
4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5. Claims 9-14 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 9 lines 1-9 recites a method using a method is vague and indefinite because the applicant fails to point out how the previous claim method (claim 1) is used to perform a method of detecting the formation of a loop in the intended claim (see MPEP 2173.05f).

In claim 11 lines 1-8 recites a device using a method is vague and indefinite because the applicant failed to describe the device function in the intended claim instead the claim goes on describing a method (see MPEP 2173.05p2).

Claim 10 is rejected because it depends on claim 9.

Claims 12-14 are rejected because they depend on claim 11.

#### ***Claim Rejections - 35 USC § 101***

6. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

7. Claims 11-14 are rejected under 35 U.S.C. 101 because the claim is directed to neither a process nor a machine but overlaps two different statutory classes.

In claim 11 line 1 recites a device by using a method of claim 1 but fails to describe the device function in the body of the claim. The claim seems to describe a method rather than the device functionality (see MPEP 2173.05 (p2)).

Claims 12-14 are rejected because they are dependent on claim 11.

***Allowable Subject Matter***

8. Claims 1-8, 15-20 are objected but will be allowed if the above minor objections have been met. Below see the allowable subject matter of independent claim.

a transmission path latency measurement method which measures a latency on a digital transmission path between a first data transmission device and a second data transmission device interfacing to each other by using three or more kinds of signal patterns, the transmission path latency measurement method comprising: when a first signal pattern is detected among received signals, modifying a transmitting signal to a second signal pattern; when the second signal pattern is detected among the received signals, modifying a transmitting signal to a third signal pattern; when a signal pattern is detected among the received signals, modifying a signal pattern of a transmitting signal; when a last signal pattern is detected among the received signals, modifying a transmitting signal to the first signal pattern; when any one of the signal patterns is not detected among the received signals or when two or more signal patterns are synchronously detected among the signal patterns, transmitting and receiving a signal between the first data transmission device and the second data transmission device so as to maintain a signal pattern of a transmitting signal existing immediately before; and measuring a time between the moment when the first signal pattern is transmitted and the moment when the second signal pattern is detected, a

time between the moment when the second signal pattern is transmitted and the moment when the third signal pattern is detected, a time between the moment when the signal pattern is transmitted and the moment when the signal pattern is detected, and a time between the moment when a last signal pattern is transmitted and the moment when the first signal pattern is detected as a latency between the transmission paths.

A transmission path latency measurement device comprising: a transmission timing pulse output unit which outputs a transmission timing pulse; a first signal pattern output unit which generates and outputs a first signal pattern in accordance with an input of the transmission timing pulse; a third signal pattern output unit which generates and outputs a second signal pattern in accordance with an input of the transmission timing pulse; an output signal pattern output unit which generates and outputs a signal pattern in accordance with an input of the sequential transmission timing pulse; a last signal pattern output unit which generates and outputs a last signal pattern in accordance with an input of the transmission timing pulse; a transmitting signal output unit which selects any one of the first signal pattern to the last signal pattern input by the first signal pattern output unit to the last signal pattern output unit and outputs the selected signal pattern as a transmitting signal; first to last signal pattern detection units which output a detection signal when the first signal pattern to the last signal pattern are detected among the received signals; an output signal selection unit which outputs a selection signal with respect to the transmitting signal output unit in accordance with the detection signal input from the first to last signal pattern detection units; and a transmission path latency calculation unit which calculates a transmission path latency

by using the transmission timing pulse and the selection signal, wherein the output signal selection unit outputs the selection signal with respect to the transmitting signal output unit such that the transmitting signal is modified to the second signal pattern when only the first signal pattern is received as the received signal, outputs sequentially the selection signal with respect to the transmitting signal output unit such that the transmitting signal is modified to the third signal pattern when only the second signal pattern is received as the received signal, and outputs the selection signal with respect to the transmitting signal output unit such that the transmitting signal is modified to the first signal pattern when only the last signal pattern is received as the received signal.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to MOHAMMAD ANWAR whose telephone number is (571)270-5641. The examiner can normally be reached on Monday-Thursday, 9am-4pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Derrick W. Ferris can be reached on 571-272-3123. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.



Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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